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OFFICE OF PETITIONS

In re Application of :
Hyung-Guen Lee :
Application No. 10/800,895 : ON PETITION
Filed: March 15, 2004 :
Attorney Docket No. 8021-206 (SS- :
19083-US) :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 9, 2009.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability mailed October 3, 2007. This Notice set a statutory period for reply of three (3) months. No corrected drawings having been received, the application became abandoned on March 4, 2009. The Office mailed a Notice of Abandonment on January 29, 2008.

Applicant filed a petition to withdraw the holding of abandonment on February 1, 2008. Petitioner argued that the Examiner already made the correction required by the Notice of Allowability in the Examiner's Amendment. However, the petition was dismissed in a decision mailed on August 10, 2009. The decision pointed out

that the Notice of Allowability specifically set forth that applicant was required to submit corrected drawings, including changes required by the Examiner's Amendment. In the Examiner's Amendment, the Examiner wrote in "(Prior Art)" after Fig. 1. As such, the Notice of Allowability required that Applicant submit a corrected drawing sheet with "(Prior Art)" appearing after Fig. 1.

On renewed petition, Applicant points out that because the Examiner indicated that Figure 1 "has been labeled" 'Prior Art', and because he wrote "Approved", followed by his initials and the date on the left side, it signaled to Applicant that the corrections had been made and approved. This is true - however, Applicant still needed to submit a formal drawing sheet with the correction entered, as indicated by the Notice of Allowability. It is noted that the Examiner hand-wrote on the drawing sheet "Prior Art". Clearly, the drawings could not issue as a patent with this informality, or with the "Approved" entry on the left hand side of the drawing.

Applicant may seek to revive the application by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
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